

Notice of Allowability

Application No.

10/658,282

Examiner

Brian E. Glessner

Applicant(s)

TSAI, CHONG-SHIEN

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application and preliminary amendment filed on 9/10/2003.
2. ☒ The allowed claim(s) is/are 1,4,10,12-16,18 and 21-23.
3. ☒ The drawings filed on 10 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Brian E. Glessner
Primary Examiner
Art Unit: 3635

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Morton Rosenberg on July 29, 2004.

The application has been amended as follows:

In the Specification:

On page 1, between lines 2 and 3, insert --This application is a Divisional Application of Serial No. 10/091,540 filed on March 7, 2002, now U.S. Patent No. US 6,688,051 B2.--

In the Abstract:

Page 21, line 3, delete "is comprised" and insert --are made--.

In the Claims:

Claim 12, line 2, after "members" delete "can be of a" and insert --are selected from the group consisting of--.

Claim 12, line 3, after "star," delete "or" and insert --and--.

Claim 18, line 2, delete "claims" and insert --claim--.

Claim 18, line 4, after "is" insert --are selected from the group consisting of--.

Claim 18, line 5, after "lentil-shaped" delete "or" and insert --and--.

Claim 18, line 6, after "is" insert --selected from the group consisting of--.

Claim 18, line 6, after "spheroid" delete "or" and insert --and--.

Art Unit: 3635

Claim 21, line 2, after "is" insert --selected from the group consisting of--.

Claim 21, line 3, after "lentil-shaped" delete "or" and insert --and--.

Claim 21, line 3, after "is" delete "the" and insert --selected from the group consisting of--.

Claim 21, line 5, after "lentil-shaped" delete "or" and insert --and--.

Claim 22, line 2, after "concavity" delete "may" and insert --is adapted to--.

Claim 23, line 2, after "surfaces" delete "may" and insert --are adapted to--.

2. The following is an examiner's statement of reasons for allowance: Although the prior art references of record show some similar features of applicant's claimed device, they fail to show or teach the specific combination of all of the limitations as specifically set forth in applicant's claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kim, Bakker, Harper, Stith, Jr., Zayas, Stuve, Yaguchi et al., Yen et al., Robinson, Hitachi, Belo Rail Transpt, Matsutaro Seki and Eberhard.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Glessner whose telephone number is 703-305-0031. The examiner can normally be reached on Monday-Friday 7:00-5:00.

Art Unit: 3635

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian E. Glessner
Primary Examiner
Art Unit 3635

B.G.
July 29, 2004